

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**DONTA T. VAUGHN,**

**Plaintiff,**

**v.**

**Civil Action No. 5:07cv17  
(Judge Stamp)**

**MARTIN GARZA, et al.,**

**Defendants.**

**ORDER DENYING MOTION FOR PRODUCTION OF DOCUMENTS**

This case was initiated by the *pro se* plaintiff on April 3, 2007, upon the filing of a civil rights complaint. Plaintiff was granted permission to proceed *in forma pauperis* on April 10, 2007. The Court has not yet performed a preliminary review of the complaint in accordance with 28 U.S.C. §§ 1915(e), 1915A or LR PL L 83.01, et seq. Thus, the defendants have not yet been served and no answer is currently due. This case is now before the Court on the plaintiff's motion for discovery in the form of a request for production of documents.

Pursuant to Rule 26(a)(1)(E)(iii), discovery is not permitted in "an action brought without counsel by a person in custody of the United States, a state, or a state subdivision," without the express permission of the Court. Because the Court has not granted plaintiff permission to take discovery, his requests for production are premature. In any event, pursuant to Local rules of The Northern District of West Virginia, discovery requests are not to be filed with the Court. See LR Civ P 5.01.

Accordingly, the plaintiff's Motion for Production of Documents (Doc. 12) is **STRICKEN** from the record. The Clerk shall remove the pleading from the active docket..

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* plaintiff and counsel of record, as applicable.

DATED: October 16, 2007

/s/ James E. Seibert  
JAMES E. SEIBERT

UNITED STATES MAGISTRATE JUDGE